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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,016	02/23/2005	George Telfer	257.038	4220
29166	7590	11/27/2007		
PERRET DOISE A PROFESSIONAL LAW CORPORATION P.O. DRAWER 3408 LAFAYETTE, LA 70502-3408			EXAMINER COY, NICOLE A	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/510,016	TELFER, GEORGE	
	Examiner	Art Unit	
	Nicole Coy	3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 5, and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (USP 6,276,452).

With respect to claim 1, Davis et al. disclose a downhole tool for collecting and retrieving junk from a well bore, the tool comprising: a cylindrical body (8) attachable in a work string (via 10); a multi-faceted surface (22) comprising a plurality of projections (23) arranged at an end of the body for contacting with and breaking up junk; and a plurality of inlet ports (26) through which the broken up junk passes into a trap (56) for collection, wherein each projection is located between adjacent inlet ports (see figure 2) and wherein adjacent projections (23) define channels therebetween which are shaped to direct the junk into the respective outlets (wherein the junk cannot go through the projections, so it has to go between them in order to go into the outlet).

With respect to claim 3, Davis et al. disclose that the tool further includes a sleeve (32) located around the body, the sleeve including filter means for filtering debris from fluid passing there through.

With respect to claim 4, Davis et al. disclose that a trap is provided in an annular space between the body and the sleeve (see figures 1 and 2).

With respect to claim 5, Davis et al. disclose that the ports have a flow path parallel to a longitudinal axis of the tool (see figure 2).

With respect to claim 7, Davis et al. disclose that the tool includes a throat (10), the throat being located adjacent to the projections and having a diameter narrower than a diameter of the sleeve (see figures 1 and 2).

With respect to claim 8, Davis et al. disclose that the cylindrical body includes an axial bore (see figures 1 and 2) to permit fluid flow through the work string.

With respect to claim 9, Davis et al. disclose that the tool includes one or more milling elements (23) located adjacent the throat and distal to the inlet ports.

With respect to claim 10, Davis et al. disclose a method of collecting and retrieving junk within a well bore, comprising the steps: a) providing a multi-faceted contact surface (22) on a work string, the surface including a plurality of projections (23) and a plurality of inlet ports (26), each projection being located between adjacent inlet ports (see figure 2); b) breaking up large pieces of junk by contact with the surface (see column 4 lines 35-51); c) directing the broken up junk towards the inlet ports along channels defined between adjacent projections (wherein the junk cannot go through the projections, so it has to go between them in order to go into the outlet) and collecting the broken-up junk through the inlet ports; and d) storing the broken-up junk in a trap (56) adjacent the inlet ports.

With respect to claim 11, Davis et al. disclose that the method includes the steps of providing a mill (23) ahead of the surface and jetting milled junk from the mill towards the inlet ports (see column 5 lines 48-57).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Bjornstad (USP 5,682,950).

With respect to claim 2, Davis et al. is silent as to what material the projections are made from. Bjornstad discloses that the outer surface of the mill is covered by tungsten carbide because it is a material resistant to wear. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Davis et al. by making the projections from tungsten carbide as taught by Bjornstad because tungsten carbide is resistant to wear.

With respect to claims 6 and 12, Davis et al. does not teach a valve. Bjornstad teaches that it is known to use a valve in order to close the chamber (see column 1 lines 17-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Davis et al. to include a valve as taught by Bjornstad in order to keep the junk in the junk chamber, i.e. prevent it from exiting.

***Response to Arguments***

5. The objection to the specification has been withdrawn in view of the amendment filed 9/28/07. The objection to the drawing has also been withdrawn due to the amendment filed 9/28/07.

Applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive. Applicant argues that the apparatus of David does not include channels between the milling blades which are shaped to direct fluid into the intake slots. However, as noted above, there is a slot between each channel and the broken up junk has to pass through that channel, thus the blades are shaped to direct fluid into the intake slots. The Applicant also notes that the apparatus in Davis is a reverse-circulation type apparatus. However, there is nothing in the claims that excludes a reverse-type circulation apparatus. Applicant also argues that it is clear that it would not be possible to form channels in the Davis tool that would direct the junk towards the intake slots. However, there are channels between the blades, and the outlet is between the blades, so junk that the blades break up is directed towards the outlets.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

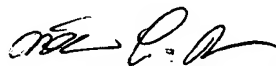
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 7:30-5:00, 1st F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nac

  
**WILLIAM P. NEUDER**  
**PRIMARY EXAMINER**  
**ART UNIT 356**